Reference

App. F. IX-4

1939-40 (CB)

File No. 67/37

Previous References

CS 67-37-1 to 5 (C.C. to 20 1937-38)

Serial Nos. 7 & 8

Letter References.

CB. 67-37-9 to 10.

C.B. 165-40-1 to 2 (2 to 40-41)

CB 162-41-1 to 5

CB 165-41-1 to 2 (CC 60 to 41-42-AB)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7 & 8

Part B for May 1940

SUBJECT.

Memorial of Mr. R. Puttaraja Urs, Sub. Judge, praying that he may be reinstated to his former rank in the cadre of Sub Judges.

WD 0418—GPB—22,500—29-8-36

M.V.S. Lord

C 533168

General and Revenue Secretariat | File No. of 194 . | [App. F. III–2

Serial No.

Letter no. R.O.C. 1085/39-40 dated 20th May 1940 from the Registrar, High Court of Mysore, forwarding a memorial from Mr R. Pullaraj Dist Subordinate Judge praying that he may be reinstated to his former rank in the Cadre of Subordinate Judges.

The facts of the case are explained in full in the Submission Note dated 27th Sep. 1937.

2) The High Court have simply forwarded the memorial to Govt. Kind attention is invited to the First Member's minute of 17-9-37 stating that the punishment is deserved and not at all too severe.

KSMR 21/5/40

3) The punishment was awarded on the recommendation of the High Court and a reconsideration can only be given if the High Court should suggest that course.

1st Member

MK 22/5

4) Draft 23/5/40

MK 24/5

Submitted

Draft of a letter put up

KSMR 27/5/40

Addl MK 28/5

(Issued)

CHIEF OF THE FIRST MEMBER OF COUNCIL MAY 22 1940 No 10908

CHIEF SECRETARY * 22. MAY 1940 * GOVT. OF MYSORE.

NOTE—Contn. Sheet.

CHIEF SECRETARY * 27. MAY 1940 * GOVT. OF MYSORE.

CS 3168

H. Admin. (F) No. 5.

R.O.C. No. 1085 Enl
~~Dis.~~ 35-40

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 20th May 1940.

SECY. LAW DEPT. 21 MAY 1940 GOVT OF M

CS 67-37-7

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department,
Bangalore.

Hm 2 21/5/40 3 21/5

SIR,

I am directed to forward a Memorial addressed to the Government by Mr. R. Puttaraj Urs, Subordinate Judge, who is under orders of transfer to Tumkur and is on leave till the end of June 1940. Mr. Puttaraj Urs at one time requested that the memorial might be held back while he considered his position, but he has now asked that it should be forwarded.

I have the honour to be,

Sir,

Your most obedient servant,

S. R. Acharya
For Registrar (awaiting The vacation)

01

BCR.

Dated, 18. 3. 40.

TO

THE CHIEF SECRETARY
to
Government of His Highness
The Maharaja of Mysore,
BANGALORE.

THROUGH

The District & Sessions Judge of Shimoga

AND

The High Court of Mysore, Bangalore.

17.3.40

MEMORIAL OF R. PUTTARAJ URS, SUBORDINATE JUDGE, SHIMOGA.

The Memorialist is in receipt of the G.O.No.950-54 C/B 67-37-2 dated (Camp) Mysore 14-10-37 reducing his rank by three places.

This order of the Government is based on the recommendation of the High Court. In their report the High Court had drawn up two charges against him. First that his conduct and behaviour towards the District Magistrate of Hassan during inspection and the tone of his letters to the same officer appeared to be improper and arrogant and not in keeping with his position as a subordinate to the District Magistrate: Second that he left the Head - quarters on 23rd July 1937 at 5-30 P.M without the knowledge and permission of the District Magistrate and that it was clearly against Government orders on the subject and also objectionable and improper.

As regards the first part of the first charge, viz that his conduct and behaviour towards the District Magistrate during the inspection appeared to be improper and arrogant and not in keeping with his subordination to the District Magistrate, this

memorialist

memorialist respectfully submits this view of the High Court is based merely on the report of the District Magistrate. The report of the District Magistrate could not have been accurate or in consonance with facts as even previous to that date the District Magistrate was sending unfavourable reports about his work which the High Court as can be seen from their report did not countenance. In his explanation on the report of the District Magistrate in this regard which the High Court were kind enough to call for from him, the memorialist denied the allegations of the District Magistrate regarding his conduct and behaviour and prayed that the High Court might be pleased to hold an enquiry in the matter. No enquiry was held. The Memorialist most respectfully submits that his conduct and behaviour during the inspection was not at all as reported by the District Magistrate. In case the Government still feel doubtful about his veracity in this respect he respectfully prays that an enquiry may be ordered and truth ascertained.

Then as regards the second part of the first charge that the tone of his letters to the District Magistrate appeared to be improper and arrogant he respectfully prays for permission to place the following for the kind consideration of the Government. This lapse on his part was not deliberate or wanton. The only letter which seems to contain this lapse appears to be his explanation on the letter of the District Magistrate asking him as to why he left the Head Quarters on 23rd July 1937.

For

For three months before that the District Magistrate had taken up an extremely hostile attitude against him for reasons which are trivial and which need not be mentioned in a serious memorial like this. My judgments criminal cases were being criticised in season and out of season bringing him down in the eyes of his colleagues. Thrice his application for casual leave even after explaining the urgency of the purpose for which the casual leave was required were rejected and the memorialist's wife could not be given the benefit of an expert's treatment. Then he sent in an application for privilege leave to attend to this but even that the District Magistrate refused to forward to the High Court. He was denied all opportunities of approaching the higher authorities and making his representations to them. The police defamed him, slighted him and did not care to obey his orders which under the statute they were bound to do. It became very difficult for him to carry on his work. His clerks including the clerk on the civil were summoned by the District Sheristedar and their statements recorded holding out threats, in my absence. These acts of the subordinates of the District Magistrate were derogatory to the prestige and dignity of the memorialist . His appeals to the District Magistrate brought forth fresh strictures on the memorialist. He felt he was a prisoner confined to Hassan town and the country with a radius of five miles from it. It is to be seen from the report of the High Court itself that this attitude of the District Magistrate was not quite justified. The state of his mind was in a very nervous and agitated condition. It was in such a state of mind without

having

having an opportunity to consult others that his explanation was written . He only wanted to place before the High Court all the aspects in that connection and in his attempt to do so he might have committed some etymological inexactitudes. He therefore respectfully prays that the Government may be pleased to take a lenient view of the same.

As regards the second charge that the memorialist left the Head quarters without previous permission at 3-30 P.M he most respectfully submits that it was occasioned under the following circumstances. That day the work was over by 2-30 P.M or 3 P.M. As he had been given leave on the following Monday to enable him to attend the Civil Services Association meeting the cases posted for that day were brought up by the Bench Clerk. Among those cases he found one in which a retired Amildar a partly costly witness had come a number of times previously and sent back unexamined was coming and he wanted to be back on Monday without utilising the casual leave(and I did so though I did not know about the proceedings that the District Magistrate had taken after I left Hassan on 23rd July 1937). He therefore made up his mind to start on 23rd alone by 3-30 train. It was nearing train time and he had to go home and make preparations for starting. In the hurry he forgot all other things and started as he used to do on previous occasions. His bonafides in this respect are evident from the fact that he returned to Head Quarters on Sunday evening alone and held the Court on Monday though he had taken casual

leave

leave for that day. The memorialist also prays that the Government might be pleased to take into consideration that nothing untoward happened on account of this act of the memorialist.

There is another aspect which the memorialist wishes to bring to the kind consideration of Government. There is reference in the above Government order to the more serious lapse of Mr. K. Thippe Rudraiah in regard to his communication to the Memorialist and to the District Magistrate about the memorialist. The High Court have commented very severely on the conduct of Mr. K. Thippe Rudraiah in having used the language that he did in his communication to the memorialist and to the District Magistrate about him. The High Court have found that the letter of Mr. K. Thippe Rudraiah are sufficient to justify action being taken against him for contempt of Court. The language that the memorialist has used, not wantonly or deliberately as stated above, bear no comparison with that used by Mr. K. Thippe Rudriah . But to the great misfortune and detriment of the humble Memorialist the High Court made a severe recommendation as regards punishment to him perhaps thinking that Mr. K. Thippe Rudraiah would also be dealt with similarly. In the light of the leniency that the Government have been pleased to show to Mr. K. Thippe Rudraiah the Humble Memorialist believes that the High Court will be pleased to take a more considerate view in his case also. The memorialist earnestly appeals to the Government to take the same lenient view as they have taken in the case of Mr. K. Thippe Rudraiah.

The humble memorialist prays most

respectfully

5281/ CS 67-37-8

28/5/40

To

The Registrar, High Court.

S i r ,

With reference to your letter No.ROC. 1085 dated 20th May 1940 forwarding the memorial of Mr. R.Puttaraj Urs, Subordinate Judge (on leave), I am directed to state that, as the punishment was awarded on the recommendation of the High Court, a re-consideration of the case can only arise if such a course is ~~suggested~~ demanded by the High Court. A suitable reply may kindly be given to Mr. Puttaraj Urs by the High Court.

I have etc.,

28/5/40

Chief Secretary to Govt.

5281/ C.D. 67-37-5

28th May 1940.

T. Shamiengar, Esqr., B.A., B.L.,
Registrar, High Court of Mysore.

With reference to your letter No. ROC.1085 dated 20th May 1940 forwarding the memorial of Mr. R. Puttaraj Urs, Subordinate Judge (on leave), I am directed to state that, as the punishment was awarded on the recommendation of the High Court, a reconsideration of the case can only arise if such a course is recommended by the High Court. A suitable reply may kindly be given to Mr. Puttaraj Urs by the High Court.

I have the honour to be,
Sir,
Your most obedident servant,

28/5

Chief Secretary to Government.